



Atty. Docket No. 40522U

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Sylvie SAUVAIGO

Conf. No.: 6482

Appl. No.: 10/539,769

Examiner: Michele K. Joike

Filed: December 1, 2005

Group Art Unit: 1636

For: **METHOD FOR THE QUANTITATIVE ASSESSMENT OF GLOBAL AND SPECIFIC DNA REPAIR CAPACITIES OF AT LEAST ONE BIOLOGICAL MEDIUM, AND THE APPLICATIONS THEREOF**

PRELIMINARY REMARKS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

In response to the Examiner's comments set forth in the Advisory Action of April 3, 2009, Applicant wishes to reply as follows.

A. Introductory Remarks

The present invention relates to a method to quantitatively assess the DNA excision and resynthesis repair capacities of a biological medium. The method assay has been designed to be as specific as possible to the excision and resynthesis DNA repair capacities of the biological medium being tested. One of the most important aspects of the claimed method is that DNA repair mechanisms associated with strand breaks and nuclease activity are not measured. To do this, the claimed method uses only DNA which has been treated with a physical or chemical agent but which remains supercoiled.

In response to the previously received Official Action, in which the patentability of the claimed method was objected to, a substantive set of arguments and executed Rule 132 Declaration of Dr. Sylvie Sauvaigo were filed. The examiner has remained unpersuaded